

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

APPLIANCE COMPUTING III, INC.
d/b/a SUREFIELD,

Plaintiff,

v.

REDFIN CORPORATION,

Defendant.

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Case No. 6:20-cv-00376-ADA

**JOINT NOTICE OF AGREED BILL OF COSTS AND MOTION TO STAY
ENFORCEMENT OF THE AWARD OF COSTS**

Defendant Redfin Corporation (“Defendant”) and Plaintiff Appliance Computing III, Inc. d/b/a Surefield (“Plaintiff”) (collectively, “the Parties”) hereby jointly submit the attached amended Agreed Bill of Costs, Exhibit A hereto,¹ and hereby stipulate and jointly request the Court stay enforcement of the award of costs until 30 days after the Court rules on Plaintiff’s Motions for Judgment as a Matter of Law and for New Trial (Dkts. 248 & 249).

The Agreed Bill of Costs supersedes the previous Bill of Costs submitted by Defendant (Dkt. 247). Redfin filed its initial proposed Bill of Costs with supporting memorandum and exhibits on August 29, 2022. *See* ECF 247. Since then, the Parties have met and conferred

¹ Plaintiff’s agreement to the amended Agreed Bill of Costs is expressly premised on the Court’s Order of Judgment entered on August 15, 2022 (Dkt. 245). To the extent the Court grants Plaintiff’s Renewed Motion for Judgment as a Matter of Law Pursuant to Rule 50(b) and/or its Motion for a New Trial or to Alter or Amend the Judgment (Dkts. 248 & 249) or Defendant’s status as the prevailing party is otherwise altered, Surefield asserts that any award of costs to Defendant will need to be vacated or, alternatively, amended.

regarding Plaintiff's objections to Redfin's proposed Bill of Costs (*see* Dkts. 250, 255 & 259²). After several weeks of follow-up and negotiations, the Parties have reached agreement on **\$102,126.71** in taxable costs against Plaintiff. These costs, which are set forth in the Amended Bill of Costs, are itemized below.

I. Section 1920(1): "Fees of the clerk and marshal"

The Parties have agreed on **\$585.00** in service-related costs. *See Exhibit B.*

II. Section 1920(2): "Fees for printed or electronically recorded transcripts necessarily obtained for use in this case"

The Parties have agreed on **\$16,542.36** for transcripts of court proceedings. *See Exhibit C.* The Parties also have agreed to reduce Redfin's original requested amount for deposition transcripts and videos from \$57,486.80 to **\$55,974.30**. *See Exhibit D.* In total, the amended request for costs pursuant to 28 U.S.C. § 1920(2) is **\$72,516.66**.

III. Section 1920(3): "Fees and disbursements for printing and witnesses"

The Parties have agreed to reduce Redfin's requested amount for witness attendance fees from \$1,120.00 to **\$920.00**. The Parties have also agreed to reduce Redfin's requested amount for travel and subsistence costs of \$8,271.16 in to **\$6,705.05**. Revised summaries with supporting documentation for Redfin's Section 1920(3) costs are attached as Exhibit E. In total, Redfin's requested Section 1920(3) costs have been reduced from \$9,391.16 to **\$7,625.05**

² The Parties' Joint Motion for Further Extension of Rule CV-54 Deadlines Related to Bill of Costs filed on September 29, 2022 (Dkt. 259) inadvertently attached a proposed order with incorrect dates (*see* Dkt. 259-1), which was entered by the Court on September 30, 2022 (*see* Dkt. 260). Therefore the Parties have separately filed with this joint notice a request that the order at Dkt. 260 be amended to reflect the correct dates that had been requested in the joint motion.

IV. Section 1920(4): “Fees for exemplification and the costs of making any materials where the copies are necessarily obtained for use in the case”

The Parties have agreed to reduce costs to make copies of source code available for secure and remote inspect by Plaintiff from \$26,900.00 to **\$21,400.00**. A revised summary with corrected invoices in support of these costs is attached as Exhibit F. Redfin has agreed to forego its requested exemplification fees for trial graphics.

Accordingly, the Parties submit the attached Agreed Amended Bill of Costs and respectfully request entry.

Additionally, on September 12, 2022, Plaintiff filed a Renewed Motion for Judgment as a Matter of Law Pursuant to Rule 50(b) (Dkt. 248) and a Motion for New Trial or to Alter or Amend the Judgment (Dkt. 249) (together, the “post-verdict motions”). Defendant filed its responses to Plaintiff’s post-verdict motions on October 3, 2022 (Dkts. 261 & 262), and Plaintiff’s Replies are due on October 17, 2022. (Dkt. 252.) Accordingly, the Parties stipulate and jointly request the Court stay enforcement of the award of costs pursuant to the Agreed Bill of Costs until 30 days after the Court rules on Plaintiff’s post-verdict motions.

A proposed order is submitted herewith.

Dated: October 3, 2022

Respectfully submitted,

/s/ Nicole E. Glauser

Nicole E. Glauser

/s/ Ryan Marton

Ryan Marton

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing is being served on the counsel of record via the CM/ECF system on October 3, 2022.

By: /s/ Ryan J. Marton
Ryan J. Marton